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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,169

10/09/2003

Yoshihiko Aikawa

K-2134

6467

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7590

04/19/2006

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EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,169	<b>Applicant(s)</b> AIKAWA, YOSHIHIKO	
	<b>Examiner</b> Matthew J. Kohner	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation, “can move forward and backward” is unclear since the directions are not relative to anything. For example, does the “forward and backward” mean in a rotational direction or a direction perpendicular to the rotational direction?

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,679,384 to Serres (*hereinafter* "Serres").

Serres discloses a screen apparatus comprising:

- a tank (see Fig. 17) for receiving paper raw materials and including an entrance for the paper raw materials (Q), a selection exit (60) and a foreign matter exit (R);
- a cylindrical screen (30) fixed in the tank and dividing the tank into a primary chamber and a secondary chamber (see Fig. 17), and
- a stirring member (40) which is rotatably supported inside the screen for stirring the paper raw materials,
- wherein the entrance for the paper raw materials and the foreign matter exit face the primary chamber, and the selection exit faces the secondary chamber (see Fig. 17), respectively
- the screen has a member (33) including an opening (C) facing the primary chamber and the secondary chamber,
- a water supply passage member (50) passes through the tank, the water supply passage member includes a water supply passage which is in communication with the opening facing the secondary chamber and which supplies water into the primary chamber.

In regard to claim 2, Serres discloses a ring (33) with a plurality of openings (C).

In regard to claim 3, Serres discloses that the water supply passage members (50) come into contact with the ring (33) (see Fig. 17) such that that water supply passage members are brought into communication with openings (c).

In regard to claim 4, Serres discloses first and second end surfaces of the screen (see Fig. 17) wherein the first end surface is located closer to the entrance (Q) and the second end surface

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is located closer to the exit (R) and the ring is located closer to the second end surface than the first end surface and is in parallel to the first and second end surfaces.

In regard to claims 6 and 7, Serres discloses openings (C) which are directed to the center of the tank and opposed to each other (see Fig. 10).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,634,521 to Simola (*hereinafter* "Simola").

Simola discloses a screen apparatus comprising:

- a tank (1) for receiving paper raw materials and including an entrance (14) for the paper raw materials, a selection exit (20) and a foreign matter exit (16),
- a cylindrical screen (2) fixed in the tank and dividing the tank into a primary chamber (11) and a secondary chamber (17), and
- a stirring member (3) which is rotatably supported inside the screen for stirring the paper raw materials,
- wherein the entrance for the paper raw materials and the foreign matter exit face the primary chamber (see Fig. 2), and the selection exit faces the secondary chamber (see Fig. 2), respectively
- the screen has a member including an opening (the screen drum inherently has apertures) facing the primary chamber and the secondary chamber (see Fig. 2),
- a water supply passage member (24) passes through the tank (see Fig. 2), the water supply passage member includes a water supply passage (conduit leading into the dilution water

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ring) which is in communication with the opening facing the secondary chamber and which supplies water into the primary chamber.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,437,204 to Clarke-Pounder (*hereinafter* "Clarke-Pounder").

Clarke-Pounder discloses a screen apparatus comprising:

- a tank (1) for receiving paper raw materials and including an entrance (8) for the paper raw materials, a selection exit (16) and a foreign matter exit (20),
- a cylindrical screen (12) fixed in the tank and dividing the tank into a primary chamber and a secondary chamber (see Fig. 2), and
- a stirring member (24) which is rotatably supported inside the screen for stirring the paper raw materials,
- wherein the entrance for the paper raw materials and the foreign matter exit face the primary chamber (see Fig. 1), and the selection exit faces the secondary chamber (see Fig. 1), respectively
- the screen has a member including an opening (the screen drum inherently has apertures) facing the primary chamber and the secondary chamber (see Fig. 1),
- a water supply passage member (64) passes through the tank (see Fig. 2), the water supply passage member includes a water supply passage (conduit leading into the water supply passage member) which is in communication with the opening facing the secondary chamber and which supplies water into the primary chamber.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,586,172 to Young (*hereinafter* "Young").

Young discloses a screen apparatus comprising:

- a tank (1) for receiving paper raw materials and including an entrance (8) for the paper raw materials, a selection exit (16) and a foreign matter exit (20),
- a cylindrical screen (12) fixed in the tank and dividing the tank into a primary chamber and a secondary chamber (see Fig. 2), and
- a stirring member (24) which is rotatably supported inside the screen for stirring the paper raw materials,
- wherein the entrance for the paper raw materials and the foreign matter exit face the primary chamber (see Fig. 1), and the selection exit faces the secondary chamber (see Fig. 1), respectively
- the screen has a member including an opening (the screen drum inherently has apertures) facing the primary chamber and the secondary chamber (see Fig. 1),
- a water supply passage member (68) passes through the tank (see Fig. 2), the water supply passage member includes a water supply passage (conduit leading into the water supply passage member) which is in communication with the opening facing the secondary chamber and which supplies water into the primary chamber.

*Allowable Subject Matter*

Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (provided the 112 rejection is overcome).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjk

Matthew J. Kohner  
Examiner  
Art Unit 3653

  
**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
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